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FILED  
NOV 23 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NICK MAKREAS,

Plaintiff,

Vs.

THE MOORE LAW GROUP, A.P.C. a  
California corporation; CITIBANK (South  
Dakota), N.A., a business entity, form  
unknown; DOES 1 through 25 INCLUSIVE,  
et al.,

Defendants.

) Case No. 3:11-cv-02406 MMC

) **DECLARATION OF NICK MAKREAS IN**  
) **OPPOSITION TO DEFENDANT THE**  
) **MOORE LAW GROUP, A.P.C.'S**  
) **OPPOSITION TO REQUEST FOR**  
) **ENTRY OF DEFAULT JUDGMENT**

I, Nick Makreas, declare

1. As the Plaintiff in the above titled action this Court expects me to follow the FRCP.

2. THE MOORE LAW GROUP, A.P.C. is an attorney debt collection firm and their attorney, Terri Lazo, is an attorney and both are licensed by the BAR and familiar with the rules of the Court and have failed to follow them.

3. Pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure, I understand that the responsive pleading of Defendant THE MOORE LAW GROUP, A.P.C. is due within 14 days after being served a copy of the SAC. Since they were served on October 28, 2011, the latest time for them to have filed a responsive pleading, would have been November 14, 2011, seven days ago. I waited seven days for their response before filing a default.

4. "Defendant THE MOORE LAW GROUP, A.P.C.'S Opposition to Request for Entry of Default Judgment", filed as Document 44, on November 22, 2011, **incorrectly states** at [A. **Intent to Defend** (page 4)] "...Defendant contends that its Motion to Dismiss Plaintiff's SAC was filed and entered prior to the clerk's filing and entry of Plaintiff's Request for Entry of Default...", this is wrong because **Plaintiff filed first**. The "REQUEST TO ENTER DEFAULT OF THE MOORE LAW GROUP, A.P.C." was deposited on November 21, 2011, at the federal building in the clerk's overnight drop box and was stamped on the back as received at **6:39 am** and was filed by the clerk at **9:03 am**, before any filing by Defendant MOORE. **I am first in time.**

5. In the "Declaration of Terri Lazo in Support of Opposition to Request for Entry of Default Judgment", Terri Lazo admits in paragraph 11 that her response to my FAC was within the fourteen day plus three days for mail, but she failed to do the same for the SAC. I waited seven days for a response and this lack of response did harm me by causing extra expense for legal counsel, preparation of material, mailings, and extra travels and expenses to the federal building for filings at 6 am.

6. I request an entry of Default Judgment against THE MOORE LAW GROUP, A.P.C.

Dated: November 23, 2011

By: Nick Makreas

NICK MAKREAS, in Pro Se